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June 21, 2002

Administrator Jane F. Garvey  
Federal Aviation Administration  
800 Independence Avenue, SW  
Washington, DC 20591

FAA-01-9852-46  
9854-117

EXECUTIVE SECRETARIAT

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OFFICE OF THE  
ADMINISTRATOR

**RE: FAA Policy Options for Managing Capacity at  
LaGuardia Airport (Docket FAA-2001-9852/9854)**

Dear Administrator Garvey:

On behalf of the members of the Birmingham Area Chamber of Commerce and its Aviation Committee, I am writing to express our community's serious concerns about the FAA's proposed new "demand management" policy options for managing capacity at LaGuardia Airport. We understand that the current proposals only involve LaGuardia, but we are also concerned that any "demand management" proposals adopted at LaGuardia might serve as a template for use at other airports throughout the country. We believe that many of these proposals are ill advised and will cause significant reductions in critical air service for small or medium-sized cities such as Birmingham.

Although FAA is considering many different proposals, it is our understanding that under any approach, the FAA has indicated it will continue its current administrative cap on the total number of operations per hour at LaGuardia Airport, in the interest of safe and efficient operations. These caps have effectively resolved the congestion problems at the airport and have, therefore, eliminated any urgency in adopting untested new proposals for demand management. Because of this, the proposals being considered will not reduce congestion or delays any further. They will simply reallocate the limited capacity of the airport among the many competing demands for LaGuardia service. We are very concerned that smaller airports will be the losers in this process, because the proposals threaten the continued viability of our access to this important airport.

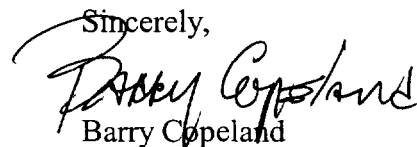
Birmingham travelers currently enjoy non-stop service to LaGuardia. This service is provided by Comair, which operates as a Delta Connection carrier, using regional jet equipment. This service came about as a direct result of Congress' initiative under AIR 21 to provide improved smaller community access to the preferred airport serving our nation's most important business center.

Comair's New York/LaGuardia service would be threatened by a number of the proposed policy options under consideration by the FAA. We are concerned that proposals to dramatically increase the cost of serving the airport – such as the congestion pricing and auction proposals – would eliminate the commercial viability of regional jet service to smaller cities like ours. We are also concerned that regulatory proposals designed to penalize the use of smaller aircraft will have the same result, because the use of smaller regional jets is essential to the viability of our service. Finally, we are concerned that proposals to reallocate slots to non-network carriers will also result in reduced service for smaller cities. Larger network carriers through their regional affiliates provide virtually all service from LaGuardia to cities like Birmingham. Although new entrant carriers have initiated service at LaGuardia Airport in recent years, none of these carriers has used their slots to provide service to communities like ours. Instead, they have added flights to heavily traveled routes already extensively served by other carriers. Thus, reallocating slots from the larger hub-and-spoke carriers to other carriers threatens our access to the airport.

Prior to AIR 21 and the advent of regional jets, Birmingham struggled to maintain non-stop service to LaGuardia. Smaller cities such as ours do not generate enough traffic to fill up full-sized airliners in viable service patterns, and carriers, particularly new entrant carriers, tend to use their scarce slots to service the most heavily traveled routes. If slots are withdrawn from carriers now serving smaller city routes, landing fees or other airport operating costs are raised to the point where it is no longer feasible to operate regional jet aircraft, or if the FAA takes administrative steps to penalize the use of smaller aircraft at LaGuardia, smaller cities will be deprived of non-stop LaGuardia access contrary to Congress' intent in AIR 21.

Finally, I would like to reiterate that our community has grown to depend on non-stop service to New York and the important economic benefits it provides. Cancellation of the service would have serious negative consequences, including lost business activity, lost investment, and lost jobs (to say nothing of our own visitor contributions to New York in its ongoing recovery period).

I urge you not to adopt any policies that would threaten the stability or continuation of this vital transportation benefit.

Sincerely,  
  
Barry Copeland  
Vice President-Governmental Affairs

Copies: Alabama Congressional delegation